

Application S/N: 10/789,534
Applicant: Rutledge, Mark
Amendment/Response Dated: August 16, 2006
Response to Office Action Mailed on 7/13/06

REMARKS/ARGUMENTS

A. In the Claims

Claims 1-26 are pending in this application. Claims 1, 3, 8, 10, 14, 16, 21, and 23 have been amended to correct language, syntax, avoid the citation of the prior art, and/or point out the specific features of Applicant's invention with greater clarity. Claims 2, 4-7, 9, 11-13, 15, 17-20, 22, and 24-26 have been cancelled. Claims 27-38, all dependent claims, have been added. No independent claims have been added. No new matter has been added. Support for the claim amendments can be found in the claims on file in the original application. Support for the new claims can be found in paragraphs [0020] - [0022] and Figs. 1B and 1C of the original application. Applicant believes that no new search is necessary because no new independent claims are added.

Regarding the Claim Rejections under 35 U.S.C. 103(a)

1. Applicant acknowledges the quotation of the appropriate paragraph of 35 U.S.C. 103 that forms the basis for the rejections under this section made in the office action.

2. Claims 1, 3-8, 10-14, 16-21, and 23-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Khan (6,789,928). Applicant respectfully disagrees with this obviousness rejection in light of the arguments presented below.

(A) Regarding claim 1, amended claim 1 discloses:

An alarm system component fixably located within a passenger vehicle, the component comprising:

means fixably located within the passenger vehicle for wirelessly receiving signals from an alarm controller fixably located within the passenger vehicle; and

means fixably located within the passenger vehicle for performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

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The invention disclosed in Khan is related to an automatic mechetronic wheel light device that increases safety and enhances aesthetics by producing a "ring of light" on a vehicle's wheels as the vehicle moves (*see* Abstract). Claim 1 of Applicant's invention is directed to an alarm system component, not a device that is primarily used to enhance the visibility or aesthetics of a vehicle. Although, as noted by Examiner, Khan discloses an invention that provides light functions *concurrent* to the activation of the vehicle's hazard lights, brake lights, and theft alarm (*see* col. 8, lines 48-51), one with ordinary skill in the art would not consider an aesthetic wheel lighting device to be an alarm system component. Rather, because the light functions of Khan are *concurrent* to the activation of the vehicle's theft alarm and not *a part of* the vehicle's theft alarm, the light device of Khan cannot be considered to be an alarm system component. Therefore, Applicant believes that one of ordinary skill in the art would not consider the light device disclosure and teachings of Khan with respect to inventions relating to alarm system components.

Irrespective of the relatedness of Khan to alarm system components, Khan does not disclose an alarm system component comprising means fixably located within a passenger vehicle for performing an audible alarm indication. Further, Khan does not teach or suggest means fixably located within a passenger vehicle for performing an audible alarm indication because Khan is specifically and narrowly directed to producing a "ring of light" for safety and aesthetic purposes (*see* Abstract).

Additionally, Khan does not disclose, teach, or suggest means fixably located within the passenger vehicle for performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval. Because Khan is specifically and narrowly directed to producing a "ring of light" for safety and aesthetic purposes (*see* Abstract), Khan does not even contemplate the ability to produce an audible alarm indication. Further, as noted by Examiner in paragraph 3 of the Office Action, neither the AAPA nor Khan disclose performing the alarm indication in the absence of a signal between two components during a predetermined time interval. Because the disclosure of Khan is more closely concerned with the wheel light device

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itself rather than the specifics of the systems that may function in coordination with the wheel light device, such as an alarm system, Khan does not contemplate means within a passenger vehicle for performing an audible alarm indication function based on signals received from the alarm controller, including when a signal has not been received from the alarm controller for a predetermined time interval.

Therefore, as Applicant does not believe that Khan is relevant prior art with regard to alarm system components, and even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to provide a device as claimed by Applicant in amended claim 1 because there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide a means fixably located within the passenger vehicle for performing an audible alarm indication function based on signals received from the alarm controller, including when a signal has not been received from the alarm controller for a predetermined time interval. Thus, Applicant believes that claim 1, as amended, is patentable over the cited prior art and is now in condition for allowance.

(B) Regarding claim 3, amended claim 3 discloses:

The alarm system component of claim 1, wherein the means for performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval, includes means for generating an audible alarm indication based on signals received from the alarm controller.

As mentioned in paragraph 2A of this Response, Applicant does not believe that Khan is relevant prior art with regard to alarm system components. Even if found to be relevant, Khan is directed to an automatic mechetronic wheel light device that increases safety and enhances aesthetics by producing a "ring of light" on a vehicle's wheels as the vehicle moves (*see* Abstract). Therefore, Khan does not disclose, teach, suggest, or even contemplate means for generating an audible alarm indication based on signals received from the alarm controller. Further, because the disclosure of Khan is more closely concerned with the wheel light device itself rather than the

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specifics of the systems that may function in coordination with the wheel light device, such as an alarm system, Khan does not contemplate means within a passenger vehicle for generating an audible alarm indication based on signals received from the alarm controller.

Additionally, claim 3 discloses a means within a passenger vehicle for generating an audible alarm indication based on signals received from the alarm controller. The ability of the alarm system component itself to generate an audible alarm indication is an important feature because it allows for the generation of an audible alarm indication even if the alarm controller is stolen or otherwise removed from the vehicle. Khan does not disclose, teach, suggest, or even contemplate a means for generating an audible alarm indication based on signals received from the alarm controller. Rather, Khan is directed to a light device that is a passive “performer” of the light functions to create the “ring of light” to enhance the safety and aesthetics of a vehicle. If the ECM disclosed in Khan’s invention were removed from the vehicle, the wheel light device would be unable to operate. Thus, Applicant believes that claim 3, as amended, is patentable over Khan and is now in condition for allowance.

Further, as claim 3 is dependent on claim 1, and Applicant believes claim 1 discloses a combination of elements which are neither taught nor suggested in the cited prior art, Applicant believes that claim 3 is also now in condition for allowance.

- (C) Regarding claim 4, claim 4 was cancelled
- (D) Regarding claim 5, claim 5 was cancelled.
- (E) Regarding claim 6, claim 6 was cancelled.
- (F) Regarding claim 7, claim 7 was cancelled.
- (G) Regarding claim 8, amended claim 8 discloses:

An alarm system fixably located within a passenger vehicle, the system comprising:
an alarm fixably located within the passenger vehicle operable to enable wireless data communications; and

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an alarm component fixably located within the passenger vehicle operable to enable wireless data communications with the alarm controller, the alarm component including a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Similar to the discussion in paragraph 2A of this Response, Applicant does not believe that Khan is relevant prior art with regard to alarm system components. Even if found to be relevant, the invention disclosed in Khan is related to an automatic mechetronic wheel light device that increases safety and enhances aesthetics by producing a "ring of light" on a vehicle's wheels as the vehicle moves (*see* Abstract). As noted by Examiner, Khan discloses an invention that provides light functions concurrent to the activation of the vehicle's hazard lights, brake lights, and theft alarm (*see* col. 8, lines 48-51). However, Khan does not disclose a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller. Further, Khan does not teach or suggest a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller because Khan is specifically and narrowly directed to producing a "ring of light" for safety and aesthetic purposes (*see* Abstract).

Additionally, Khan does not disclose, teach, or suggest a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval. Because Khan is specifically and narrowly directed to producing a "ring of light" for safety and aesthetic purposes (*see* Abstract), Khan does not even contemplate the ability to perform such an audible alarm indication. Further, because the disclosure of Khan is more closely concerned with the wheel light device itself rather than the specifics of the systems that may function in coordination with the wheel light device, such as an alarm system, Khan does not contemplate a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller, including when a signal has not been received from the alarm controller for a predetermined time interval.

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Therefore, as Applicant does not believe that Khan is relevant prior art with regard to alarm system components, and even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to provide a device as claimed by Applicant in amended claim 8 because there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller, including when a signal has not been received from the alarm controller for a predetermined time interval. . Thus, Applicant believes that claim 8, as amended, is patentable over the cited prior art and is now in condition for allowance.

(H) Regarding claim 10, Applicant does not believe that Khan is relevant prior art with regard to alarm system components. Even if found to be relevant, Khan is directed to an automatic mechatronic wheel light device that increases safety and enhances aesthetics by producing a “ring of light” on a vehicle’s wheels as the vehicle moves (*see* Abstract). Therefore, Khan does not disclose, teach, suggest, or even contemplate a processor that is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller. Further, because the disclosure of Khan is more closely concerned with the wheel light device itself rather than the specifics of the systems that may function in coordination with the wheel light device, such as an alarm system, Khan does not contemplate a processor that is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller.

Additionally, claim 10 discloses a processor that is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller. The ability of the alarm system component itself to generate an audible alarm indication is an important feature because it allows for the generation of an audible alarm indication even if the alarm controller is stolen or otherwise removed from the vehicle. Khan does not disclose, teach, suggest, or even contemplate a processor that is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller. Rather, Khan is directed to a light device that is a passive “performer” of the light functions to create the “ring of light” to enhance

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the safety and aesthetics of a vehicle. There is no requirement, teaching, or suggestion in Khan of a device that can generate audible alarm indications without utilizing other components of the vehicle. If the ECM disclosed in Khan's invention were removed from the vehicle, the wheel light device would be unable to operate. Thus, Applicant believes that claim 10 is patentable over Khan and is now in condition for allowance.

Further, as claim 10 is dependent on claim 8, and Applicant believes claim 8 discloses a combination of elements which are neither taught nor suggested in the cited prior art, Applicant believes that claim 8 is also now in condition for allowance.

(I) Regarding claim 11, claim 11 was cancelled.

(J) Regarding claim 12, claim 12 was cancelled.

(K) Regarding claim 13, claim 13 was cancelled.

(L) Regarding claim 14, amended claim 14 discloses:

An alarm system component method, the alarm system component fixably located within a passenger vehicle, the method comprising the steps of:

- a) wirelessly receiving signals from an alarm controller fixably located within the passenger vehicle; and
- b) performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

For similar reasons as stated in paragraph 2A of this Response, Applicant does not believe that Khan is relevant prior art with regard to alarm system components, and even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to provide a method as claimed by Applicant in amended claim 14 because there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide a method including the step of performing an audible alarm indication function based on signals received from the alarm

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controller and also when a signal has not been received from the alarm controller for a predetermined time interval. Thus, Applicant believes that claim 14, as amended, is patentable over the cited prior art and is now in condition for allowance.

(M) Regarding claim 16, amended claim 16 discloses:

The alarm system component method of claim 14, wherein the step of performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval further includes the step of generating an audible alarm indication based on signals received from the alarm controller.

For similar reasons as to those stated in paragraph 2L of this Response, Applicant believes there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide a method including the step of performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Additionally, claim 16 discloses the step of generating an audible alarm indication based on signals received from the alarm controller. The ability of the alarm system to generate an audible alarm indication is an important feature because it allows for the generation of an audible alarm indication even if the alarm controller is stolen or otherwise removed from the vehicle. Khan does not disclose, teach, suggest, or even contemplate generating an audible alarm indication based on signals received from the alarm controller. Rather, Khan is directed to a light device that is a passive "performer" of the light functions to create the "ring of light" to enhance the safety and aesthetics of a vehicle. If the ECM disclosed in Khan's invention were removed from the vehicle, the wheel light device would be unable to operate. Thus, Applicant does not believe Khan discloses, teaches, or suggests the method as claimed by Applicant in claim 16. Thus, Applicant believes that claim 16, as amended, is patentable over Khan and is now in condition for allowance.

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Further, as claim 16 is dependent on claim 14, and Applicant believes claim 14 discloses a method which is neither taught nor suggested in the cited prior art, Applicant believes that claim 16 is also now in condition for allowance.

(N) Regarding claim 17, claim 17 was cancelled.

(O) Regarding claim 18, claim 18 was cancelled.

(P) Regarding claim 19, claim 19 was cancelled.

(Q) Regarding claim 20, claim 20 was cancelled.

(R) Regarding claim 21, amended claim 21 discloses:

A method of installing an alarm system within a passenger vehicle, the method comprising:

- a) fixably installing in the passenger vehicle an alarm controller operable to enable wireless data communications in the passenger vehicle; and
- b) fixably installing in the passenger vehicle an alarm component operable to enable wireless data communications with the alarm controller, the component including a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

For similar reasons as stated in paragraph 2G of this Response, Applicant does not believe that Khan is relevant prior art with regard to alarm system components, and even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to provide method as claimed by Applicant in amended claim 21 because there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide a method with a step of fixably installing in the passenger vehicle an alarm component operable to enable wireless data communications with the alarm controller, the component including a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time

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interval. Thus, Applicant believes that claim 21, as amended, is patentable over the cited prior art and is now in condition for allowance.

(S) Regarding claim 23, amended claim 23 discloses:

The method of claim 21, wherein the alarm component is operable to cause the generation of an audible alarm indication based on signals received from the alarm controller.

For similar reasons as stated in paragraph 2H of this Response, Applicant does not believe that Khan is relevant prior art with regard to alarm system components, and even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to provide method as claimed by Applicant in amended claim 23 because there is no disclosure, teaching, or suggestion in either the AAPA or Khan to provide an alarm system component that is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller. The ability of the alarm system component itself to generate an audible alarm indication is an important feature because it allows for the generation of an audible alarm indication even if the alarm controller is stolen or otherwise removed from the vehicle. Rather, Khan is directed to a light device that is a passive “performer” of the light functions to create the “ring of light” to enhance the safety and aesthetics of a vehicle. If the ECM disclosed in Khan’s invention were removed from the vehicle, the wheel light device would be unable to operate. There is no requirement, teaching, or suggestion in Khan of a device that can generate audible alarm indications without utilizing other components of the vehicle. Thus, Applicant believes that claim 23 is patentable over Khan and is now in condition for allowance.

Further, as claim 23 is dependent on claim 21, and Applicant believes claim 21 discloses a method which is neither taught nor suggested in the cited prior art, Applicant believes that claim 23 is also now in condition for allowance.

(T) Regarding claim 24, claim 24 was cancelled.

(U) Regarding claim 25, claim 25 was cancelled.

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(V) Regarding claim 26, claim 26 was cancelled.

3. Claims 2, 9, 15, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Khan (6,789,928), and in further view of Curatolo (6,510,380). Regarding claims 2, 9, 15, and 22, these claims were cancelled. However, Applicant respectfully disagrees with the rejection of Applicant's invention in view of both the Khan and Curatolo patents. Although it is Applicant's primary belief that Khan is not relevant prior art with regard to alarm system components, even if found to be relevant, Applicant believes that it would not have been obvious to one with ordinary skill in the art to combine the teachings of Kahn with the teachings of Curatolo for the reasons presented below.

Curatolo is directed to a security and tracking system involving a method to locate a person, an animal, or a material asset by using two signaling units in communication proximity, wherein at least one of the units is attached to a person, animal, or material asset (*see* Abstract). Curatolo's system was designed with the needs of personal security and emergency response capability in mind, to help avoid tragic circumstances if an individual is injured, lost, or abducted, by helping notify law enforcement or emergency response of the location of the person (*see* Background; col. 1, lines 17-20). Applicant's invention is not related to a security *and* tracking system that helps to achieve these particular needs. Rather, Applicant's invention is related to an alarm system component and related method with wireless capabilities.

Also, Curatolo's invention comprises a first signaling unit having means for identifying the location of said signaling unit, and a second signaling unit in communicating proximity with the first signaling unit, the second signaling unit having means for identifying the location of said second signaling unit (*see* Summary; col. 1, lines 60-65). For Curatolo's invention to be useful, both of the signaling units cannot be located within the same material asset, as the objective is for one of the units to identify the location of the other unit. In Applicant's invention, the *entire* alarm system component must be within the *same* passenger vehicle, as the purpose of Applicant's invention is to provide an alarm system component having wireless capabilities, rather than a security and tracking system. Therefore, because the features, functions, and purposes of the Kahn and Curatolo inventions are not related, Applicant believes that one with ordinary skill in the art would not find a motivation to combine the two references.

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Additionally, Applicant believes that it would not be obvious to combine Kahn with Curatolo as they are not analogous art. Curatolo is not within the same classification as Kahn, as the Curatolo invention falls within the class relating to data processing involving vehicles, navigation, and related location, class 701, and Kahn falls within the class relating to illumination, class 362. Similarly, Kahn and Curatolo do not even contain one overlapping classification/sub-classification in all of the fields searched during the prosecution of each patent. Therefore, it is Applicant's belief, that one of ordinary skill in the art would not have been motivated to combine the teachings and suggestions of Kahn with the teachings and suggestions of Curatolo, as they are not analogous prior art.

4. Applicant acknowledges that Examiner considers Applicant's previous arguments with respect to claims 1-26 moot in view of the new grounds of rejection recited in the Office Action.

5. Applicant acknowledges the references cited and relied upon by the Examiner.

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CONCLUSION

All of the objections and rejections raised by the Examiner have been addressed by Applicant. Attorney for Applicant has carefully reviewed the cited references, namely the Kahn and Curatolo patents, and believes that the new claims presently on file in the subject application are patentably distinguishable with respect to the prior art. In view of the amendments to the disclosure and the remarks submitted herein, Applicant submits that all of the new claims of record are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case in due course.

If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this application to allowance, the Examiner is invited to contact the undersigned, attorney of record in this case, Ryan J. Friedl, Esq., at one of the listed below numbers or at his below listed e-mail address.

Dated: August 16, 2006

Respectfully Submitted,

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